

**UNITED STATES COURT OF APPEALS  
DISTRICT OF COLUMBIA CIRCUIT**

333 Constitution Avenue, NW  
Washington, DC 20001-2866  
Phone: 202-216-7000 | Facsimile: 202-219-8530

Environmental Health Trust et al

v.

Federal Communications Commission et al

(Type caption of lead case only)

Appeal No. 20-1025

Consolidated Case Nos.

20-1138

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The Clerk is directed to tax costs, pursuant to Fed. R. App. P. 39 and Local Rule 39, for the docketing fee (receivable only by appellant/petitioner), and for the cost of reproducing only the number of copies of briefs and appendices which have been required to be filed with the Court or served on parties, intervenors and amici curiae, plus three copies for the prevailing party. Bills of costs must be filed within fourteen (14) days after entry of judgment. The Court looks with disfavor upon motions to file bills of costs out of time.

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**BILL OF COSTS**

Comes now Children's Health Defense et al (appellant, petitioner, appellee, or respondent), (the) (a) prevailing party in Appeal Nos. 20-1138 (20-1025), by counsel, and states that costs have been incurred in said case(s) which should be taxed (solely) (jointly and severally) against the following (party) (parties)

**NAME OF PARTY OR PARTIES**

**APPEAL NO.**

(1) Federal Communications Commission

20-1138 (20-1025)

(2) United States of America

20-1138 (20-1025)

(3) \_\_\_\_\_

\_\_\_\_\_

(4) \_\_\_\_\_

\_\_\_\_\_

(5) \_\_\_\_\_

\_\_\_\_\_

**MAIN BRIEF**

+ 4 Statutory Addendums (See Declaration for Itemization)

Total # copies of briefs		Pages, Covers or fasteners per brief	=	Total # of pages, covers or fasteners		Fee per page, cover or fastener	=	Subtotal
<b>TEXT:</b>								
8	X	665	=	5,320	X	\$ 0.10	=	\$ 532.00
<b>COLOR:</b>								
8	X	1	=	8	X	\$ 0.55	=	\$ 4.40
<b>FRONT COVERS:</b>								
8	X	1	=	8	X	\$ 0.42	=	\$ 3.36
<b>BACK COVERS:</b>								
8	X	1	=	8	X	\$ 0.41	=	\$ 3.28
<b>FASTENERS:</b>								
8	X	5	=	40	X	\$ 4.68	=	\$ 187.20
								AMOUNT \$ 730.24

**REPLY BRIEF + 1 Statutory Addendum (See Declaration for Itemization)**

Total # copies of briefs		Pages, Covers or fasteners per brief	=	Total # of pages, covers or fasteners		Fee per page, cover or fastener	=	Subtotal
<b>TEXT:</b>								
8	X	150	=	1,200	X	\$ 0.10	=	\$ 120.00
<b>COLOR:</b>								
8	X	1	=	8	X	\$ 0.55	=	\$ 4.40
<b>FRONT COVERS:</b>								
8	X	2	=	16	X	\$ 0.42	=	\$ 6.72
<b>BACK COVERS:</b>								
8	X	2	=	16	X	\$ 0.41	=	\$ 6.56
<b>FASTENERS:</b>								
8	X	2	=	16	X	\$ 4.68	=	\$ 74.88
								AMOUNT \$ 212.56

**APPENDIX** - Joint Appendix Included 27 volumes + 2 corrected volumes 8 & 19 (See Declaration for Itemization)

Total # copies of briefs		Pages, Covers or fasteners per brief	=	Total # of pages, covers or fasteners		Fee per page, cover or fastener	=	Subtotal
<b>TEXT:</b>								
8	X	13,007	=	104,056	X	\$ 0.10	=	10,405.6
<b>COLOR:</b>								
	X		=		X		=	
<b>FRONT COVERS:</b>								
8	X	29	=	232	X	\$ 0.42	=	\$ 97.44
<b>BACK COVERS:</b>								
8	X	29	=	232	X	\$ 0.41	=	\$ 95.12
<b>FASTENERS:</b>								
8	X	29	=	232	X	\$ 4.68	=	\$1,085.76
								AMOUNT \$ 11,683.92

AMOUNT OF SUBTOTALS \$ 12,626.72

DOCKETING FEE (if applicable) \$

TOTAL COSTS TO BE TAXED \$

Shipping Costs

Total # copies of briefs	Pages, Covers or fasteners per brief	Total # of pages, covers or fasteners	Fee per page, cover or fastener	Subtotal
:				
			Petition for Review	75.57
			Main Brief + Reply Brief + 5 Addendum + Supplemental JA (JA volume 27)	137.36
			Joint Appendix (Volumes 1-26)	935.34
			Corrected JA (Volumes 8 + 19)	76.99
			AMOUNT \$	1225.26

**REPLY BRIEF (if applicable)**

Total # copies of briefs	Pages, Covers or fasteners per brief	Total # of pages, covers or fasteners	Fee per page, cover or fastener	Subtotal
TEXT:				
	X		X	
COLOR:				
	X		X	
FRONT COVERS:				
	X		X	
BACK COVERS:				
	X		X	
FASTENERS:				
	X		X	
			AMOUNT \$	

**APPENDIX**

Total # copies of briefs	Pages, Covers or fasteners per brief	Total # of pages, covers or fasteners	Fee per page, cover or fastener	Subtotal
TEXT:				
	X		X	
COLOR:				
	X		X	
FRONT COVERS:				
	X		X	
BACK COVERS:				
	X		X	
FASTENERS:				
	X		X	
			AMOUNT \$	

AMOUNT OF SUBTOTALS \$ 13,851.98

DOCKETING FEE (if applicable) \$ 500.00

TOTAL COSTS TO BE TAXED \$ 14,351.98

It is understood that the Clerk will tax costs only against those parties specifically named herein and in the amount which does not exceed either the specific sum claimed or the total allowable amount determined in accordance with Circuit Rule 39.

The costs claimed as actual costs are the actual costs incurred. A copy of the printer's/duplicator's bill, or other sufficient documentation of actual costs incurred, is attached.

W. Scott McCollough

/s/ W. Scott McCollough

Typed Name of Counsel

Signature of Counsel

2290 Gatlin Creek Rd., Dripping Springs, Texas 78620

Counsel's Address

( 512 ) 888 - 1112

Counsel's Telephone Number

**VERIFICATION \***

State of

)

)

County of

)

SS:

COMES NOW \_\_\_\_\_, and being first duly sworn, does depose and state that (he) (she) signed the foregoing Bill of Costs, that the costs claimed therein were incurred in connection with the captioned appellate proceeding and, as set forth, are true and correct.

SUBSCRIBED AND SWORN TO before the undersigned, a Notary public, this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Notary Public

(Notary seal or stamp)

**COUNSEL SHALL ATTACH A CERTIFICATE OF SERVICE**

\_\_\_\_\_  
\*In lieu of this sworn verification, an unsworn declaration in conformity with 28 U.S.C. 1746 may be substituted.

=====

DRIPPING SPRINGS  
1450 W HIGHWAY 290  
DRIPPING SPRINGS, TX 78620-9998  
482605-0620  
(800)275-8777  
02/03/2020 12:48 PM

=====

Product	Qty	Unit Price	Price
First-Class Intl Large Envelope (International) (Belgium) (Weight:0 Lb 2.30 Oz)	1	\$4.37	\$4.37
First-Class Mail® Large Envelope (Domestic) (GREENBELT, MD 20770) (Weight:0 Lb 2.30 Oz) (Estimated Delivery Date) (Thursday 02/06/2020)	1	\$1.40	\$1.40
First-Class Mail® Large Envelope (Domestic) (CABIN JOHN, MD 20818) (Weight:0 Lb 2.30 Oz) (Estimated Delivery Date) (Thursday 02/06/2020)	1	\$1.40	\$1.40
First-Class Mail® Large Envelope (Domestic) (RENO, NV 89511) (Weight:0 Lb 2.30 Oz) (Estimated Delivery Date) (Thursday 02/06/2020)	1	\$1.40	\$1.40
First-Class Mail® Large Envelope (Domestic) (PORTLAND, OR 97204) (Weight:0 Lb 2.30 Oz) (Estimated Delivery Date) (Thursday 02/06/2020)	1	\$1.40	\$1.40
First-Class Mail® Large Envelope (Domestic) (WASHINGTON, DC 20004) (Weight:0 Lb 2.30 Oz) (Estimated Delivery Date)	1	\$1.40	\$1.40
Credit Card Remitd (Card Name:MasterCard) (Account #:XXXXXXXXXX3630) (Approval #:040622) (Transaction #:523) (AID:A0000000041010) (AL:MASTERCARD) (PIN:Not Required)			\$75.77

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Preview your Mail  
Track your Packages

RT OF APP  
CIRCUIT

Petition  
by the

### REVIEW

, Michele Hertz, Petra Brokken, Dr. oril H. Jelter, Dr. Ann Lee, Virginia ley, M.Ed. (henceforth collectively or "CHD"), hereby petition the court mission ("FCC") "agency action" and promulgate rational, science-based adequately protect the public's health

Store: 1 Sales Receipt #HELD

Copy  
Print Plus  
222 Hwy 290 West, PO Box 816  
Dripping Springs, TX 78620  
512-894-0270

Bill To: McCollough, Scott  
McCollough, Scott

Cashier: pm

Description 1	Qty	Price	Ext Price
20T Let	1113	\$0.16	\$178.08 T
		D% 15.79%	
Manila Envelope 9 x	53	\$0.40	\$21.20 T
Labels per Sheet Pri	11	\$2.26	\$24.86 T
Stuffing and Sealing	53	\$0.06	\$3.18 T
Subtotal:			\$227.32
TOTAL		8.25 % Tax	\$18.75
RECEIPT TOTAL:			\$246.07

Total Savings: \$33.39

Thank you for shopping in  
Dripping Springs!



<sup>1</sup> The FCC order for which review is sought is identified below, as required by 28 U.S.C §2344 and Federal Rules of Appellate Procedure Rule 15(a)(2)(C).



The UPS Store - #5486  
100 Commons Rd. Ste. 7  
Dripping Springs, TX 78620  
(512) 894-0484

11/13/20 01:00 PM

We are the one stop for all your  
shipping, postal and business needs.

We offer all the services you need  
to keep your business going.



001	001040 (001)	TO \$ 66.81
	Ground Commercial	
	Tracking# 1ZA9063T0350341662	
002	001040 (001)	TO \$ 66.81
	Ground Commercial	
	Tracking# 1ZA9063T0350349431	
003	001040 (001)	TO \$ 66.81
	Ground Commercial	
	Tracking# 1ZA9063T0317005749	
004	001040 (001)	TO \$ 66.81
	Ground Commercial	
	Tracking# 1ZA9063T0316935817	
005	001040 (001)	TO \$ 66.81
	Ground Commercial	
	Tracking# 1ZA9063T0350357208	
006	001040 (001)	TO \$ 66.81
	Ground Commercial	
	Tracking# 1ZA9063T0350263961	
007	001040 (001)	TO \$ 66.81
	Ground Commercial	
	Tracking# 1ZA9063T0317013516	
008	001040 (001)	TO \$ 66.81
	Ground Commercial	
	Tracking# 1ZA9063T0350352025	
009	001040 (001)	TO \$ 66.81
	Ground Commercial	
	Tracking# 1ZA9063T0350274324	
010	001040 (001)	TO \$ 66.81
	Ground Commercial	
	Tracking# 1ZA9063T0316943586	
011	001040 (001)	TO \$ 66.81
	Ground Commercial	
	Tracking# 1ZA9063T0317021285	
012	001040 (001)	TO \$ 66.81
	Ground Commercial	
	Tracking# 1ZA9063T0350271738	
013	001040 (001)	TO \$ 66.81
	Ground Commercial	
	Tracking# 1ZA9063T0350266557	
014	001040 (001)	TO \$ 66.81
	Ground Commercial	
	Tracking# 1ZA9063T0350344258	

SubTotal \$ 935.34

Total \$ 935.34

MASTERCARD \$ 935.34

ACCOUNT NUMBER \* \*\*\*\*\*3630

Appr Code: 01756S (I) Sale

ENTRY METHOD: ChipRead

11/13/2020 12:21 PM  
Store: 1

Sales Receipt #194315

### Print Plus

222 Hwy 290 West, PO Box 816  
Dripping Springs, TX 78620  
512-894-0270

Bill To: McCollough, Scott  
McCollough, Scott

Cashier: pm

96405 B/W

80 Color

Description 1	Qty	Price	Ext Price
20T Let	96405	\$0.10	\$9,640.50 T
		D% 47.37%	
Divider 8 Tab	500	\$6.98	\$3,490.00 T
Binding Service Coi	208	\$4.88	\$1,015.04 T
80C Let	208	\$0.79	\$164.32 T
		D% 20.2%	
28T Let	80	\$0.71	\$56.80 T
		D% 21.98%	
		Subtotal:	\$14,366.66
TOTAL		8.25 % T	+ \$1,185.25
RECEIPT TOT			15,551.91

Check: \$15,551.91 108

Total Savings \$6,734.06

Paid \$7073.79 110620

Balance Due is 15591.91 - 7073.79 = 8478.12

Thank you for shopping in  
Dripping Springs!



194315

-Don't M... Vols 1-26

11/18/2020 2:13 PM  
Store: 1

Sales Receipt #HELD

Copy  
Print Plus

222 Hwy 290 West, PO Box 816  
Dripping Springs, TX 78620  
512-894-0270

Bill To: Scott  
Scott

Cashier: pm

Description 1	Qty	Price
20T Let	7592	\$0.10
	D% 47.37%	\$759.20 T
Binding Service Col-	64	\$4.88
28T Let	16	\$0.91
Divider 5 Tab	8	\$5.97
		\$1,133.92
		+ \$93.56
		\$1,227.47
		\$683.28

TOTAL

Thank you  
Dripping



HELD

Receipt: Page #1  
ING LABEL. PLEASE SAVE FOR YOUR REF

SHIPMENT INFORMATION:  
UPS GROUND COMMERCIAL  
38 lb 2.2 oz actual wt  
39.00 lb billable wt  
DIMS: 18.00X12.00X11.00 IN

TRACKING NUMBER: 1ZAG063T03F  
SHIPMENT ID: MM46GUK22HGWD  
SHIP REF 1: JAC  
SHIP REF 2: 5486

DESCRIPTION OF GOODS:  
BOOKS

SHIPMENT CHARGES:  
GROUND COMMERCIAL  
SERVICE OPTIONS  
CMS PROCESSING FEE

TOTAL

SHIP TO:  
U.S. COURT OF APP. FOR THE DIS. OF CO  
MARK J LANGER CLERK DC CIRCUIT  
333 CONSTITUTION AVE NW  
RM 5205  
WASHINGTON DC 20001-2804  
BUSINESS  
(202) 216-7000

SHIPPED THROUGH:  
THE UPS STORE #5486  
DRIPPING SPRINGS, TX 78620-2904  
(512) 894-0484

COMPLETE ONLINE TRACKING: ENTER THIS ADDRESS IN YOUR WEB BROWSER  
HTTP://THEUPSSTORE.COM (SELECT TRACKING, ENTER SHIPMENT ID #)  
QUESTIONS? CONTACT SHIPPED THROUGH ABOVE.

CUSTOMER ACKNOWLEDGEMENT: I ACKNOWLEDGE AND ACCEPT TERMS & CONDI  
FOR TENDERING SHIPMENTS THROUGH THIS LOCATION AND CERTIFY THAT A  
AND VALUES PROVIDED FOR THIS SHIPMENT ARE ACCURATE IN ALL RESPEC

Signature:

SHIPMENT ID: MM46GUK22HGWD



Powered by (Ship(r))  
11/19/2020 09:12 AM Pac fic Time N

The UPS Store - #5486  
100 Commons Rd. Ste. 7  
Dripping Springs, TX 78620  
(512) 894-0484

11/19/20 11:12 AM

We are the one stop for all your  
shipping, postal and business need

We offer all the services you need  
to keep your business going.



001 001040 (001) 10 \$  
Ground Commercial  
Tracking# 1ZAG063T0317689501  
002 001040 (001) 10 \$  
Ground Commercial  
Tracking# 1ZAG063T0351025421

Subtotal \$  
Total \$

MASTERCARD \$

ACCOUNT NUMBER # \*\*\*\*\*  
Appr Code: 096753 (I) Sale

ENTRY METHOD: ChipRead  
MODE: Issuer  
AID: A00000000041010  
TVR: 0800008000  
TSI: E800  
AC: F591A41CC9575FBE  
ARC: 00

Receipt ID 83706189208277863960 00  
CSH: JORGE Tran: 0255 R

Thank you for visiting our store  
Please come back again soon.

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needs, we are here to serve you

We're here to help.  
Join our FREE email program to receive  
great offers and resources.

www.theupsstore.com/signup



The UPS Store - #5486  
100 Commons Rd. Ste. 7  
Dripping Springs, TX 78620  
(512) 894-0484

12/04/20 05:13 PM

We are the one stop for all your  
shipping, postal and business needs.

We offer all the services you need  
to keep your business going.



001 001040 (001) TO \$ 36.82  
Ground Commercial  
Tracking# 1ZA9063T0352908350  
002 001040 (001) TO \$ 40.17  
Ground Commercial  
Tracking# 1ZA9063T0319577619

SubTotal \$ 76.99  
Total \$ 76.99

MASTERCARD \$ 76.99

ACCOUNT NUMBER \* \*\*\*\*\*3630  
Appr Code: 02020S (I) Sale

ENTRY METHOD: CripRead  
MODE: Issuer  
AID: A0000000041010  
TVR: 0800008000  
TSI: E800  
AC: A31DA9F5C495A85A  
ARC: 00

Receipt ID 837061899585/1888445 002 Items  
CSH: JUSTIN Tran: 0956 Reg: 001

Thank you for visiting our store.  
Please come back again soon.

Whatever your business and personal  
needs, we are here to serve you.

We're here to help.  
Join our FREE email program to receive  
great offers and resources.

[www.theupsstore.com/signup](http://www.theupsstore.com/signup)

### Conditions

DE  
Di  
e  
ided

ENT  
COURT OF APP. FOR THE DIS.  
C J LANGER CLERK DC CIRCU  
ONSTITUTION AVE NW  
205  
INGTON, DC 20001-2804  
202) 216-7000

(s", or "Our") will receive, forward and/or pac  
pted by Us. You represent Your true name and  
M-D"), illegal items or articles of unusual valu  
Items. Certified locations may accept some for  
pplicable terms and conditions in the Carrier's T

ject to the UPS/Tariff Terms and Conditions of  
rights, responsibilities, and limitations of liabi  
RY BINDING ARBITRATION CLAUSE  
s of the date of accrual of such dispute, exce  
jurisdictions over civil disputes. You agr  
Us arising out of or relating to the provi

We are not the Carrier's agent. You agree that  
y against the Carrier. Any rights You may have re  
to those rights described in the Carrier's Terms a  
for transporting Your parcel(s)

y of Your parcel(s) or for loss or damage by any c,  
request a signature on delivery and pay any applica  
ding all terms and conditions related to Your particip

ery is only an estimate, and is not warranted in any man  
ery. Our responsibility for damage to items caused by improper packing by Us is limited to any applicable Declared Value Program or other

y for loss or damage to Your parcel(s) is strictly limited to the amounts set forth in this PSO and the Carrier's Terms and Conditions (in the event  
loss or damage). **Liability for loss or damage is limited to Your actual damages or \$100 per parcel, whichever is less, unless You declare a  
(under the Declared Value Program)** We and the Carrier are not liable or responsible for items of unusual value, precious metals, negotiable  
ity is excluded, under the Carrier's Terms and Conditions. Additional terms and conditions governing loss or damage claims can be found in the

clared value limits for loss or damage, subject to terms and conditions (including monetary limits) ("Declared Value Program"). The declared  
ditions of the applicable Declared Value Program. We surcharge the cost of this product. If You elect to participate in the Declared Value  
gible parcel(s) through the Carrier. You expressly acknowledge that the value of each parcel does not exceed the amount You list as the  
"Declared Value" amount. You agree that the value of each parcel does not exceed \$100. **If You do not declare value above \$100 and pay an  
You will not be entitled to recover more than \$100 for loss or damage to the items in that parcel.** The Carrier's terms and conditions  
rier's Terms and Conditions.

age to Your parcel(s) under the Declared Value Program. You agree to make the claim through Us. If You make such claim through Us, We will  
You any recovery on the claim paid to Us by the Carrier for Your parcel(s). You expressly agree that We have no liability if any claim is denied  
ke a Guaranteed Service Refund (GSR) request to UPS. You agree to provide to UPS (and hereby authorize Us to provide to UPS) Your name

r any Declared Value Program must be in writing and received by Us within the Carrier's required time frame as set forth in the Carrier's Terms  
nd will not be paid. For all damage claims, the original packaging materials must be made available for the Carrier's inspection prior to  
cuments, including but not limited to this PSO and a copy of the shipment receipt, and proof of the value of the lost or damaged items for any

ier for Your parcel(s), if You believe any parcel is eligible for a refund under the UPS Service Guarantee as set forth in the UPS Terms. You must  
the date of scheduled delivery. If You do not contact Us within the prescribed time frame, any claim to a refund under the UPS Service

and solely responsible for all aspects of Our operations. We are the exclusive employer of all employees of Our business. You acknowledge and  
is not the employer or joint employer of the employees of Our business. This PSO constitutes the entire agreement between You and Us, and  
ngs, and representations, written or oral, relating to the subject matter hereof

accurate for each parcel (ii) You confirm the Declared Value for each parcel, if any, is correct (iii) You have read and reviewed the terms and  
ch terms and conditions, and (v) by so signing, this PSO constitutes binding and enforceable obligations of You. YOU FURTHER  
Terms, any claims against Us or UPS (including its affiliates) arising out of or relating to provision of goods or service by UPS or Us are  
ite resolution provisions of UPS Terms available at [www.ups.com/terms](http://www.ups.com/terms) (even as to packages not shipped with UPS)

mer will handle Customer's personal information in accordance with its privacy notice at <https://locations.theupsstore.com/privacy-notice>

12/4/2020 4:58 PM  
Store: 1

Sales Receipt #194511  
Workstation: 1

### Print Plus

222 Hwy 290 West, PO Box 816  
Dripping Springs, TX 78620  
512-894-0270

Bill To: Scott  
Scott

Cashier: pm

Description 1	Qty	Price	Ext Price
20T Let	7136	\$0.10	\$713.60 T
		D% 47.37%	
Binding Service Coi	16	\$4.88	\$78.08 T
80C Let	16	\$0.99	\$15.84 T
Divider 8 Tab	56	\$6.98	\$390.88 T
		Subtotal:	\$1,198.40
		TOTAL	8.25 % Tax +\$98.87
		RECEIPT TOTAL:	\$1,297.27

Check: \$1,297.27 110

Total Sales Discounts: \$266.48

7136 R/w  
0 color

Thank you for shopping in  
Dripping Springs!



194511

Fri 4 Dec 2020

TRANSACTION DATE



2/2/2020 Fee Payment Success Receipt

Receipt	A09-100857-81
Payment Date	02/02/2020
Amount	\$500.00
Fee Type	New Case With Fee Agency/Immigration

20-1025 (Lead); 20-1138 (Consolidated)

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**UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

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ENVIRONMENTAL HEALTH TRUST; CONSUMERS FOR SAFE CELL  
PHONES; ELIZABETH BARRIS; THEODORA SCARATO

CHILDREN’S HEALTH DEFENSE; MICHELE HERTZ; PETRA BROKKEN;  
DR. DAVID O. CARPENTER; DR. PAUL DART; DR. TORIL H. JELTER; DR.  
ANN LEE; VIRGINIA FARVER, JENNIFER BARAN; PAUL STANLEY, M.Ed.

*Petitioners*

v.

FEDERAL COMMUNICATIONS COMMISSION;  
UNITED STATES OF AMERICA

*Respondents*

---

Petition for Review of Order Issued by the  
Federal Communications Commission

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**DECLARATION OF W. SCOTT MCCOLLOUGH REGARDING  
PETITIONER CHILDREN’S HEALTH DEFENSE’S BILL OF COSTS**

I, W. Scott McCollough, declare as follows:

1. I am an attorney admitted to practice in this Court. I am counsel for Petitioner Children’s Health Defense (“CHD”) in consolidated case number 20-1025, the lead case consolidated with number 20-1138. I have personal knowledge of the facts set forth in this declaration and could testify competently to them if called to do so.

2. CHD paid the vast majority of the costs recoverable by Rule 39 of the Federal Rules of Appellate Procedure and Circuit Rule 39 that were incurred in this case, including those that benefitted the Environmental Health Trust (“EHT”)

Petitioners (the lead case 20-1025) with which the CHD's case (20-1138) was consolidated after transfer from the Ninth Circuit. This is so because all petitioners in both consolidated cases filed joint briefs consistent with FRAP Rule 28(i) and D.C. Cir. Handbook IX.B.2. CHD therefore bore the brunt of the recoverable costs.

3. As the prevailing party that expended the costs, and in accordance with Rule 39, CHD is submitting the attached Bill of Costs. I provide this Declaration in lieu of notarization as allowed by the Form 48 instructions and to explain how we translated recoverable costs into the Court's Bill of Costs Form 48.

4. CHD paid for the joint filing with EHT and reproduction of these materials:

(A) The 192 page Final Joint Petitioners' Opening Brief and the 4-volume statutory addendum and standing showing, comprising a total of 548 pages. For itemization, see Declaration Appendix 1.

(B) The 47 page Final Petitioners' Reply Brief and its 1-volume, 103 page statutory addendum. For itemization, see Declaration Appendix 2. Each of the Petitioners' briefs were bound, had appropriate cover and back pages and the addenda had separator pages with tabs. Some of the pages in the briefing had color. 7 hard copies of the briefing material were filed with the Court. We retained one copy for ourselves.



(C) The Deferred Appendix that was employed in this matter. The Deferred Appendix comprised 27 volumes and contained 447 items from the record below. In total it had 10,651 pages. We later filed two corrected volumes, which consumed 960 pages total. Some of the record items had color material. Each volume was bound, had appropriate cover and back pages and separator pages with tabs. 7 copies were supplied to the Court. We retained one copy for ourselves. For itemization, see Declaration Appendix 3.

5. CHD also paid for all postage/shipping of the service copies associated with its petition for review (which was filed in the US Courts of Appeals for the Ninth Circuit and assigned appeal number: 20-70297 in that court, before it was ultimately transferred to this Court and consolidated with the lead case). We also paid the postage/shipping associated with the Petitioners' joint Principal and Reply Briefs (each with their statutory addenda and the Deferred Appendix materials that were delivered to the Court. We have attached a separate Bill of Costs page for the shipping costs (with explanatory edits). For shipping costs itemization, see Declaration Appendix 4.

6. FRAP Rule 39(b)(1) indicates that the costs associated with transmission of the record are typically taxable "in the District Court" but in this case – as with all petitions for review of FCC decisions – the district courts are not

involved. We therefore believe they are or should be recoverable at this Court. The situation is similar to the Court's Docketing Fee, which is equivalent to the filing fee for a notice of appeal from the district court that is also taxable in the district court under Rule 39(b)(4).

7. CHD seeks to recover total costs in the amount of \$14,351.98. Of that, \$12,626.72 is related to reproduction of the briefing and Deferred Appendix materials; \$500 is for the Docketing Fee and \$1,225.26 is for postage/shipping.

8. We are also providing a copy of all relevant receipts to demonstrate that the actual costs paid were in no instance lower than the amounts allowed through Circuit Rule 39 and the Clerk's most recent publication. The receipts appear immediately behind the last page of the executed Form 48.

I declare under penalty of perjury that the foregoing is true and correct.

Executed August 27<sup>th</sup>, 2021.

/s/ W. Scott McCollough  
W. Scott McCollough

### **CERTIFICATE OF SERVICE**

I hereby certify that on August 27, 2021, I filed the foregoing Bill of Costs, Form 48, in the United States Court of Appeals for the District of Columbia Circuit via the CM/ECF system. I further certify that all parties are registered CM/ECF users and that service will be accomplished via electronic filing.

/s/ W. Scott McCollough  
W. Scott McCollough

**Appendix 1: Main Brief - Bill of Costs Itemization****Filed: Main Brief + 4 Statutory Addenda**

<b>Main Brief – Total (Main Brief + 4 Addenda)</b>	Total # copies of briefs	Pages, Covers or fasteners per brief	Total # of pages, covers or fasteners	Fee per page, cover or fastener	Subtotal
Text	8	665	5320	0.1	532
Color	8	1	8	0.55	4.4
Front Cover	8	5	40	0.42	16.8
Back Cover	8	5	40	0.41	16.4
Fasteners	8	5	40	4.68	187.2
					<b>756.8</b>
<b>Main Brief</b>	Total # copies of briefs	Pages, Covers or fasteners per brief	Total # of pages, covers or fasteners	Fee per page, cover or fastener	Subtotal
Text	8	117	936	0.1	93.6
Color	8	1	8	0.55	4.4
Front Cover	8	1	8	0.42	3.36
Back Cover	8	1	8	0.41	3.28
Fasteners	8	1	8	4.68	37.44
					<b>142.08</b>
<b>Main Brief Statutory Addendum 1</b>	Total # copies of briefs	Pages, Covers or fasteners per brief	Total # of pages, covers or fasteners	Fee per page, cover or fastener	Subtotal
Text	8	119	952	0.1	95.2
Color					
Front Cover	8	1	8	0.42	3.36
Back Cover	8	1	8	0.41	3.28
Fasteners	8	1	8	4.68	37.44
					<b>139.28</b>



Main Brief <b>Statutory Addendum 2</b>	Total # copies of briefs	Pages, Covers or fasteners per brief	Total # of pages, covers or fasteners	Fee per page, cover or fastener	Subtotal
Text	8	170	1360	0.1	136
Color					
Front Cover	8	1	8	0.42	3.36
Back Cover	8	1	8	0.41	3.28
Fasteners	8	1	8	4.68	37.44
					180.08
Main Brief <b>Statutory Addendum 3</b>	Total # copies of briefs	Pages, Covers or fasteners per brief	Total # of pages, covers or fasteners	Fee per page, cover or fastener	Subtotal
Text	8	135	1080	0.1	108
Color					
Front Cover	8	1	8	0.42	3.36
Back Cover	8	1	8	0.41	3.28
Fasteners	8	1	8	4.68	37.44
					152.08
Main Brief <b>Statutory Addendum 4</b>	Total # copies of briefs	Pages, Covers or fasteners per brief	Total # of pages, covers or fasteners	Fee per page, cover or fastener	Subtotal
Text	8	124	992	0.1	99.2
Color					
Front Cover	8	1	8	0.42	3.36
Back Cover	8	1	8	0.41	3.28
Fasteners	8	1	8	4.68	37.44
					143.28

**Appendix 2: Reply Brief - Bill of Costs Itemization****Filed: Reply Brief + 1 Statutory Addendum**

<b>Reply Brief – Total (Reply Brief + 1 Addendum)</b>	Total # copies of briefs	Pages, Covers or fasteners per brief	Total # of pages, covers or fasteners	Fee per page, cover or fastener	Subtotal
Text	8	150	1200	0.1	120
Color	8	1	8	0.55	4.4
Front Cover	8	2	16	0.42	6.72
Back Cover	8	2	16	0.41	6.56
Fasteners	8	2	16	4.68	74.88
					212.56
<b>Reply Brief</b>	Total # copies of briefs	Pages, Covers or fasteners per brief	Total # of pages, covers or fasteners	Fee per page, cover or fastener	Subtotal
Text	8	47	376	0.1	37.6
Color	8	1	8	0.55	4.4
Front Cover	8	1	8	0.42	3.36
Back Cover	8	1	8	0.41	3.28
Fasteners	8	1	8	4.68	37.44
					86.08

Reply Brief Statutory Addendum	Total # copies of briefs	Pages, Covers or fasteners per brief	Total # of pages, covers or fasteners	Fee per page, cover or fastener	Subtotal
Text	8	103	824	0.1	82.4
Color					
Front Cover	8	1	8	0.42	3.36
Back Cover	8	1	8	0.41	3.28
Fasteners	8	1	8	4.68	37.44
					126.48



**Appendix 3: Joint Appendix****Filed: 26 volumes + 1 Supplemental Volume + 2 Corrected Volumes (Volume 8 & Volume 19)**

<b>JAs - 29 Total (27 + 2 corrections)</b>	Total # copies of briefs	Pages, Covers or fasteners per brief	Total # of pages, covers or fasteners	Fee per page, cover or fastener	Subtotal
Text	8	13,007	104056	0.1	10405.6
Color					
Front Cover	8	29	232	0.42	97.44
Back Cover	8	29	232	0.41	95.12
Fasteners	8	29	232	4.68	1085.76
					<b>11683.92</b>
<b>JA - Volume 1</b>	Total # copies of briefs	Pages, Covers or fasteners per brief	Total # of pages, covers or fasteners	Fee per page, cover or fastener	Subtotal
Text	8	417	3336	0.1	333.6
Color					
Front Cover	8	1	8	0.42	3.36
Back Cover	8	1	8	0.41	3.28
Fasteners	8	1	8	4.68	37.44
					<b>377.68</b>
<b>JA - Volume 2</b>	Total # copies of briefs	Pages, Covers or fasteners per brief	Total # of pages, covers or fasteners	Fee per page, cover or fastener	Subtotal
Text	8	455	3640	0.1	364
Color					
Front Cover	8	1	8	0.42	3.36
Back Cover	8	1	8	0.41	3.28

Fasteners	8	1	8	4.68	37.44
					408.08
<b>JA - Volume 3</b>	Total # copies of briefs	Pages, Covers or fasteners per brief	Total # of pages, covers or fasteners	Fee per page, cover or fastener	Subtotal
Text	8	455	3640	0.1	364
Color					
Front Cover	8	1	8	0.42	3.36
Back Cover	8	1	8	0.41	3.28
Fasteners	8	1	8	4.68	37.44
					408.08
<b>JA - Volume 4</b>	Total # copies of briefs	Pages, Covers or fasteners per brief	Total # of pages, covers or fasteners	Fee per page, cover or fastener	Subtotal
Text	8	455	3640	0.1	364
Color					
Front Cover	8	1	8	0.42	3.36
Back Cover	8	1	8	0.41	3.28
Fasteners	8	1	8	4.68	37.44
					408.08
<b>JA - Volume 5</b>	Total # copies of briefs	Pages, Covers or fasteners per brief	Total # of pages, covers or fasteners	Fee per page, cover or fastener	Subtotal
Text	8	455	3640	0.1	364
Color					
Front Cover	8	1	8	0.42	3.36
Back Cover	8	1	8	0.41	3.28
Fasteners	8	1	8	4.68	37.44

					408.08
<b>JA - Volume 6</b>	Total # copies of briefs	Pages, Covers or fasteners per brief	Total # of pages, covers or fasteners	Fee per page, cover or fastener	Subtotal
Text	8	469	3752	0.1	375.2
Color					
Front Cover	8	1	8	0.42	3.36
Back Cover	8	1	8	0.41	3.28
Fasteners	8	1	8	4.68	37.44
					419.28
<b>JA - Volume 7</b>	Total # copies of briefs	Pages, Covers or fasteners per brief	Total # of pages, covers or fasteners	Fee per page, cover or fastener	Subtotal
Text	8	454	3632	0.1	363.2
Color					
Front Cover	8	1	8	0.42	3.36
Back Cover	8	1	8	0.41	3.28
Fasteners	8	1	8	4.68	37.44
					407.28
<b>JA - Volume 8</b>	Total # copies of briefs	Pages, Covers or fasteners per brief	Total # of pages, covers or fasteners	Fee per page, cover or fastener	Subtotal
Text	8	423	3384	0.1	338.4
Color					
Front Cover	8	1	8	0.42	3.36
Back Cover	8	1	8	0.41	3.28
Fasteners	8	1	8	4.68	37.44
					382.48

<b>JA - Volume 9</b>	Total # copies of briefs	Pages, Covers or fasteners per brief	Total # of pages, covers or fasteners	Fee per page, cover or fastener	Subtotal
Text	8	467	3736	0.1	373.6
Color					
Front Cover	8	1	8	0.42	3.36
Back Cover	8	1	8	0.41	3.28
Fasteners	8	1	8	4.68	37.44
					417.68
<b>JA - Volume 10</b>	Total # copies of briefs	Pages, Covers or fasteners per brief	Total # of pages, covers or fasteners	Fee per page, cover or fastener	Subtotal
Text	8	479	3832	0.1	383.2
Color					
Front Cover	8	1	8	0.42	3.36
Back Cover	8	1	8	0.41	3.28
Fasteners	8	1	8	4.68	37.44
					427.28
<b>JA - Volume 11</b>	Total # copies of briefs	Pages, Covers or fasteners per brief	Total # of pages, covers or fasteners	Fee per page, cover or fastener	Subtotal
Text	8	444	3552	0.1	355.2
Color					
Front Cover	8	1	8	0.42	3.36
Back Cover	8	1	8	0.41	3.28
Fasteners	8	1	8	4.68	37.44
					399.28



<b>JA - Volume 12</b>	Total # copies of briefs	Pages, Covers or fasteners per brief	Total # of pages, covers or fasteners	Fee per page, cover or fastener	Subtotal
Text	8	480	3840	0.1	384
Color					
Front Cover	8	1	8	0.42	3.36
Back Cover	8	1	8	0.41	3.28
Fasteners	8	1	8	4.68	37.44
					428.08
<b>JA - Volume 13</b>	Total # copies of briefs	Pages, Covers or fasteners per brief	Total # of pages, covers or fasteners	Fee per page, cover or fastener	Subtotal
Text	8	496	3968	0.1	396.8
Color					
Front Cover	8	1	8	0.42	3.36
Back Cover	8	1	8	0.41	3.28
Fasteners	8	1	8	4.68	37.44
					440.88
<b>JA - Volume 14</b>	Total # copies of briefs	Pages, Covers or fasteners per brief	Total # of pages, covers or fasteners	Fee per page, cover or fastener	Subtotal
Text	8	427	3416	0.1	341.6
Color					
Front Cover	8	1	8	0.42	3.36
Back Cover	8	1	8	0.41	3.28
Fasteners	8	1	8	4.68	37.44
					385.68

<b>JA - Volume 15</b>	Total # copies of briefs	Pages, Covers or fasteners per brief	Total # of pages, covers or fasteners	Fee per page, cover or fastener	Subtotal
Text	8	454	3632	0.1	363.2
Color					
Front Cover	8	1	8	0.42	3.36
Back Cover	8	1	8	0.41	3.28
Fasteners	8	1	8	4.68	37.44
					407.28
<b>JA - Volume 16</b>	Total # copies of briefs	Pages, Covers or fasteners per brief	Total # of pages, covers or fasteners	Fee per page, cover or fastener	Subtotal
Text	8	469	3752	0.1	375.2
Color					
Front Cover	8	1	8	0.42	3.36
Back Cover	8	1	8	0.41	3.28
Fasteners	8	1	8	4.68	37.44
					419.28
<b>JA - Volume 17</b>	Total # copies of briefs	Pages, Covers or fasteners per brief	Total # of pages, covers or fasteners	Fee per page, cover or fastener	Subtotal
Text	8	469	3752	0.1	375.2
Color					
Front Cover	8	1	8	0.42	3.36
Back Cover	8	1	8	0.41	3.28
Fasteners	8	1	8	4.68	37.44
					419.28

<b>JA - Volume 18</b>	Total # copies of briefs	Pages, Covers or fasteners per brief	Total # of pages, covers or fasteners	Fee per page, cover or fastener	Subtotal
Text	8	460	3680	0.1	368
Color					
Front Cover	8	1	8	0.42	3.36
Back Cover	8	1	8	0.41	3.28
Fasteners	8	1	8	4.68	37.44
					412.08
<b>JA - Volume 19</b>	Total # copies of briefs	Pages, Covers or fasteners per brief	Total # of pages, covers or fasteners	Fee per page, cover or fastener	Subtotal
Text	8	471	3768	0.1	376.8
Color					
Front Cover	8	1	8	0.42	3.36
Back Cover	8	1	8	0.41	3.28
Fasteners	8	1	8	4.68	37.44
					420.88
<b>JA - Volume 20</b>	Total # copies of briefs	Pages, Covers or fasteners per brief	Total # of pages, covers or fasteners	Fee per page, cover or fastener	Subtotal
Text	8	455	3640	0.1	364
Color					
Front Cover	8	1	8	0.42	3.36
Back Cover	8	1	8	0.41	3.28
Fasteners	8	1	8	4.68	37.44
					408.08

<b>JA - Volume 21</b>	Total # copies of briefs	Pages, Covers or fasteners per brief	Total # of pages, covers or fasteners	Fee per page, cover or fastener	Subtotal
Text	8	487	3896	0.1	389.6
Color					
Front Cover	8	1	8	0.42	3.36
Back Cover	8	1	8	0.41	3.28
Fasteners	8	1	8	4.68	37.44
					433.68
<b>JA - Volume 22</b>	Total # copies of briefs	Pages, Covers or fasteners per brief	Total # of pages, covers or fasteners	Fee per page, cover or fastener	Subtotal
Text	8	481	3848	0.1	384.8
Color					
Front Cover	8	1	8	0.42	3.36
Back Cover	8	1	8	0.41	3.28
Fasteners	8	1	8	4.68	37.44
					428.88
<b>JA - Volume 23</b>	Total # copies of briefs	Pages, Covers or fasteners per brief	Total # of pages, covers or fasteners	Fee per page, cover or fastener	Subtotal
Text	8	454	3632	0.1	363.2
Color					
Front Cover	8	1	8	0.42	3.36
Back Cover	8	1	8	0.41	3.28
Fasteners	8	1	8	4.68	37.44
					407.28



<b>JA - Volume 24</b>	Total # copies of briefs	Pages, Covers or fasteners per brief	Total # of pages, covers or fasteners	Fee per page, cover or fastener	Subtotal
Text	8	494	3952	0.1	395.2
Color					
Front Cover	8	1	8	0.42	3.36
Back Cover	8	1	8	0.41	3.28
Fasteners	8	1	8	4.68	37.44
					439.28
<b>JA - Volume 25</b>	Total # copies of briefs	Pages, Covers or fasteners per brief	Total # of pages, covers or fasteners	Fee per page, cover or fastener	Subtotal
Text	8	454	3632	0.1	363.2
Color					
Front Cover	8	1	8	0.42	3.36
Back Cover	8	1	8	0.41	3.28
Fasteners	8	1	8	4.68	37.44
					407.28
<b>JA - Volume 26</b>	Total # copies of briefs	Pages, Covers or fasteners per brief	Total # of pages, covers or fasteners	Fee per page, cover or fastener	Subtotal
Text	8	455	3640	0.1	364
Color					
Front Cover	8	1	8	0.42	3.36
Back Cover	8	1	8	0.41	3.28
Fasteners	8	1	8	4.68	37.44
					408.08

<b>JA - Supplemental - Volume 27</b>	Total # copies of briefs	Pages, Covers or fasteners per brief	Total # of pages, covers or fasteners	Fee per page, cover or fastener	Subtotal
Text	8	134	1072	0.1	107.2
Color					
Front Cover	8	1	8	0.42	3.36
Back Cover	8	1	8	0.41	3.28
Fasteners	8	1	8	4.68	37.44
					151.28
<b>JA - Volume 8 - Corrected</b>	Total # copies of briefs	Pages, Covers or fasteners per brief	Total # of pages, covers or fasteners	Fee per page, cover or fastener	Subtotal
Text	8	471	3768	0.1	376.8
Color					
Front Cover	8	1	8	0.42	3.36
Back Cover	8	1	8	0.41	3.28
Fasteners	8	1	8	4.68	37.44
					420.88
<b>JA - Volume 19 - Corrected</b>	Total # copies of briefs	Pages, Covers or fasteners per brief	Total # of pages, covers or fasteners	Fee per page, cover or fastener	Subtotal
Text	8	423	3384	0.1	338.4
Color					
Front Cover	8	1	8	0.42	3.36
Back Cover	8	1	8	0.41	3.28
Fasteners	8	1	8	4.68	37.44
					382.48

**Appendix 4: Shipping Costs**

<b>Date</b>	<b>Items Shipped</b>	<b>Cost</b>
2/3/2020	Petition for Review – Service Copies	75.57
11/19/2020	Main Brief Main Brief 4 Statutory Addenda Reply Brief Reply Brief 1 Statutory Addendum Supplemental JA (JA volume 27)	137.36
11/13/2020	Joint Appendix (Volumes 1-26)	935.34
12/4/2020	Corrected JA (Volumes 8 + 19)	76.99
	<b>Total Shipping Cost</b>	<b>1225.26</b>